

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DERRICK D. BOGER,)	
)	
Petitioner,)	
)	
v.)	1:15CV33
)	
SUSAN WHITE,)	
)	
Respondent.)	

ORDER

On January 13, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 4 and 5.) Petitioner timely filed objections (Doc. 6) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's petition for writ of habeas corpus (Doc. 2) is dismissed without prejudice due to Petitioner's failure to apply to the Fourth Circuit Court of Appeals for an order authorizing this district to consider the current petition as is required by 28 U.S.C. § 2244. A Judgment

dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 21st day of April, 2015.


United States District Judge